

**REMARKS**

Claims 1, 3-19, 21-30, 32, and 33 are pending in the current application, with claims 2 and 20 being cancelled by this amendment and incorporated into their respective independent claims. Claims 1-30, 32, and 33 currently stand rejected, and claims 1, 18, 19, 32, and 33 have been amended. Reconsideration and withdrawal of the rejections to claims 1-30, 32, and 33 are respectfully requested in light of the preceding amendments and following remarks.

**Claim Rejections – 35 U.S.C. § 101**

Claims 17, 18, 32, and 33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Initially, Applicants note that each of these claims has been amended in accordance with the Examiner's suggestion to recite a "non-transitory computer-readable medium." As such, claims 17, 18, 32, and 33 do not recite propagating signals per se and are directed to statutory subject matter. Withdrawal of the rejection under § 101 to claims 17, 18, 32, and 33 is respectfully requested.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1-6, 8, 13-15, 17-24, and 29-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 6,115,132 to Nakatsuma et al. ("Nakatsuma"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants previously argued that Nakatsuma's error routine shown in FIG. 47 does not meet the recited "notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible" as previously-presented in claims 1 and 17. The Examiner replies that these recited actions are disclosed in Nakatsuma FIGS. 45 and 46 and column 21, lines 48-64 and column 22, lines 9-14, describing a printable indication received (allegedly at client-side print monitor 708) from server-side virtual print server 712. Applicants respectfully submit that, in column 21, lines 48-64 of Nakatsuma, **the printable indication is generated when a print job is available**, and the client then **sends the print job** after receiving the printable indication. See Nakatsuma, Col. 21, ll. 49-62. This is the opposite of **notifying the client not to send the job if the printer is not accessible**. That is, Nakatsuka transmits a start command in the instance of print job availability followed by actual printing, which says nothing of what happens in the instance of print job unavailability, as recited in claims 1 and 17.

The checking the printer down flag in column 22, lines 9-14 of Nakatsuma is also of an avail, because this checking and subsequent step are performed by the client-side print monitor 708, which is the only entity that ever calls the server-side API script. And anyway, **nothing is sent from the server to the client in this flag checking**. See Nakatsuma, Col. 22, ll. 9-25. As such, Nakatsuma fails to meet the specific type of notification to the client from the server as recited in claims 1, 17, and 19 as previously presented.

Applicants further traverse the rejections to dependent claims 2 and 20, now cancelled and incorporated into independent claims 1 and 19. Specifically, these claims recite “**repetitively receiving, from the client,** updated status information regarding the completion of the job by the shared resource.” The Examiner points to Nakastuma column 23, lines 11-16 and 50-56, describing status notifications to the server, for this claim element. Applicants respectfully submit that Nakastuma teaches receiving updated status information **directly from the printer 105 (shared resource), not the client 102**. See Nakastuma, Col. 23, ll. 42-60 (note this section also suggests status information check by data transfer between client 102 and printer 105, which is still not the recited communication “between the server and the client”). As such, Nakatsuma lacks the recited receiving updated status information from a client.

Because Nakatsuma fails to teach or suggest each and every feature of claims 1, 2, 17, 19, and 20 as previously presented, Nakatsuma cannot anticipate or render obvious claims 1, 17, or 19 as amended. Claims 3-6, 8, 13-15, 18, 21-24, 29, 30, 32, and 33 are allowable at least for depending from an allowable base claim. Withdrawal of the rejection to claims 1-6, 8, 13-15, 17-24, and 29-33 under 35 U.S.C. § 102(b) is respectfully requested.

#### Claim Rejections – 35 U.S.C. § 103

Claims 9, 10, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0067504 to

Salgado et al. ("Salgado"). Claims 11, 12, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0062453 to Koga ("Koga"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2003/0212780 to Hamel et al. ("Hamel"). Applicants respectfully traverse these rejections for the reasons detailed below.

None of Salgado, Koga, and Hamel account for the differences between Nakatsuma and claims 1, 17, and 19, discussed above, nor does the Examiner apply these references for doing so. Because Nakatsuma, alone or in combination with Salgado, Koga, and Hamel, fails to teach or suggest each and every element of claims 1, 17, and 19, these references cannot anticipate or render obvious claims 1, 17 or 19. Claims 9-12, 16, and 26-28 are allowable at least for depending from an allowable base claim. Withdrawal of the rejections to claims 9-12, 16, and 26-28 under 35 U.S.C. § 103(a) is respectfully requested.

#### Entry of Amendment

Applicants respectfully request entry of the above claim amendments following the closing of prosecution in the subject application. The above amendments adopt Examiner recommendations in amending the term "non-transitory" into the computer-readable medium claims. The above amendments further simplify issues for appeal by presenting argued dependent claims 2 and 20 in independent form in claims 1 and 19, permitting all

arguments to be directed to only the independent claims. Alternately, as argued above, the amendments place the application in condition for allowance. Amendments adopting Examiner recommendations, simplifying issues for appeal, and/or placing the application in condition for allowance are permitted under 37 C.F.R. § 1.116, and Applicants respectfully request entry of the same.

Further, even if the claim amendments are denied entry, Applicants have traversed the rejections to the claims as previously presented. As such, Applicants respectfully request that the Examiner **not simply indicate that the amendments will not be entered without further comment.** Instead, Applicants earnestly solicit the Examiner to consider and respond to the above traverse that does not depend on amendment entry in any further or advisory Action.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1, 3-19, 21-30, 32, and 33 in connection with the present application is earnestly solicited.

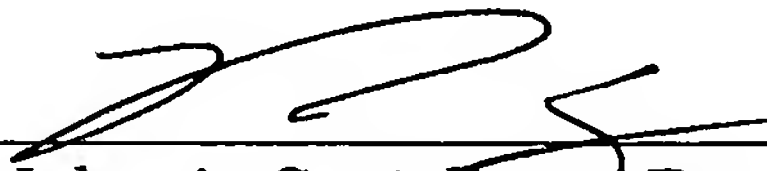
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
\_\_\_\_\_  
John A. Castellano, Reg. No. 35,094  
Ryan E. Alley, Reg. No. 60,977

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

JAC/REA  
1053568.1